

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

ROBERT C. BOWMAN
TX-1329991-R

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DOCKETED COMPLAINT NO.
07-057

AGREED FINAL ORDER

On this the 12th day of December, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Robert C. Bowman (Respondent).

In order to conclude this matter, Robert C. Bowman neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Robert C. Bowman is a Texas certified residential real estate appraiser, holds certification number TX-1329991-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about August 23, 2003, Respondent appraised real property located at 2213 Fenwood Drive, Pasadena, Texas 77502 ("the property").
3. On or about January 11, 2007, Jeff Strawmyer filed a staff-initiated complaint with the Board. The complaint was based upon information submitted by Peter G. Kopperman, Vice President, Single-family Mortgage Business at Fannie Mae who alleged that Respondent's appraisal report for the property contained potential violations of the Uniform Standards of Professional Appraisal Practice ("USPAP").
4. On or about January 16, 2007 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
5. Respondent violated 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:

- a) Respondent failed to state what report option was used;
- b) Respondent failed to identify the site description adequately by not stating the subject property lies within the flood plain area;
- c) Respondent failed to identify and report the improvement(s) description by not calculating the living area correctly;
- d) Respondent failed to provide a brief summary of the basis for his rationale for his highest and best use determination;
- e) Respondent failed to state the method used to estimate site value and failed to provide the support for his site value conclusions;
- f) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements, due to the erroneous square footage calculations for the living area;
- g) Respondent failed to state the source of his cost data and provide the support for his cost analysis conclusions;
- h) Respondent failed to collect, verify, analyze and reconcile comparable sales data properly, made numerous errors and omissions in the adjustments for the comparables used, and did not correctly employ recognized methods and techniques;
- i) Respondent failed to report the prior listing history of the property, did not reconcile the contract price or the appraised value and failed to explain why the borrower's name on the appraisal was different than the buyer on the contract;
- j) Respondent failed to produce a credible report due to significant errors made in living area calculations and omitting the swimming pools for comparable sales #2 and #1 and the converted garage for comparable #2; and,
- k) Respondent's report for the property contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. Respondent violated the following provisions of USPAP as prohibited by 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Standards Rules: 2-2(b); 1-2(e)(i) &

2-2(b)(iii); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(ix); 1-1(a); 1-1(b), 1-1(c); and 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies;
- c. Pay to the Board an administrative penalty of \$1,000.00, the payment of which is hereby fully probated under the condition that Respondent comply with all other terms of this Agreed Final Order; and,
- d. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published in the Board's newsletter and/or on the Board's web site.

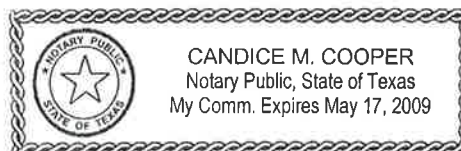
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 12th day of December, 2008.

Robert C. Bowman
ROBERT C. BOWMAN

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 31 day of October, 2008, by ROBERT C. BOWMAN, to certify which, witness my hand and official seal.

Candice Cooper
Notary Public Signature
Candice Cooper
Notary Public's Printed Name



Signed by the Commissioner this 12th day of December, 2008.

Timothy K. Irvine
Timothy K. Irvine, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 12th day of December, 2008.

Clinton P. Sayers
Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board